

## **REMARKS**

Applicants reply to the Final Office Action dated April 16, 2008 within the shortened statutory three month period for reply. Applicants request an Advisory Action, if necessary. Claims 1-7, 9-17, 19-23, 25, 26, 28-30 and 32 were pending in the application and the Examiner objects to claims 1-7, 9-17, 19-23, 25, 26, 28-30 and 32. Applicants cancel claim 2 without prejudice to filing one or more claims disclosing similar subject matter. Reconsideration of the pending claims is requested. The amendments are adequately supported in the originally-filed specification, drawings and claims. **Specifically, support for the newly added limitations may be found in, for example, paragraphs 0072 (RFID device generation of PIN) and 00108 (notification response and emergency response) of the originally filed specification.** No new matter is added in this Reply.

### **Double Patenting**

The Examiner rejects claims 1-17, 11-14, 16, and 17 under the judicially created doctrine of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent Application No. 11/777,396. Applicants herein submit a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome the nonstatutory obviousness-type double patenting rejection.

### **Claim Objections**

The Examiner objects to claims 1-7, 11-14, 16, 17, 19, 22, 23, 25, 26, 28-30, and 32 due to informalities. Applicants amend the claims in accordance with the Examiner's suggestions.

The Examiner objects to claim 2 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of the previous claim. Applicants cancel claim 2, so this rejection is now moot.

### **Rejection under 35 U.S.C. § 112**

The Examiner rejects claims 1-7, 11-14, 16, 17, 19, 22, 23, 25, 26, 28-30, and 32 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The examiner asserts that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention.

The Examiner notes that the "amendment now recites 'receiving transaction information from (claim 1) or providing transaction information to (claim 19) the secondary party (merchant) for authorization, wherein the transaction information includes the account number and limited use PIN'

which is not supported in the specification” (Page 6, final paragraph). Applicants amend claims 1 and 19 to clarify that the transaction information includes the limited use PIN.

### **Rejections Under 35 U.S.C. § 102**

The Examiner rejects claims 1-7, 11-14, 16, 17, 19, 22, 23, 25, 26, 28-30, and 32 under 35 U.S.C. § 103(a) as being anticipated by Armes, U.S. Patent Publication No. 2001/0034720. Applicants respectfully traverse the rejection.

**Applicants assert that Armes does not disclose or contemplate the patentable features of the present specification such as, for example, paragraphs 0072 (RFID or smartcard device generation of PIN) and 00108 (notification response and emergency response).**

Armes generally discloses a transaction number that is associated with a primary account number. Specifically, a requested transaction number of Armes is a randomly generated proxy number that is associated with a transaction card account number. Significantly, Armes discloses that the proxy number is generated by the server, and not by a device that is in possession of the requestor. The proxy number disclosed by Armes is used to facilitate a financial transaction in lieu of the actual account number. In other words, the proxy number is formatted such that it can be processed by a point of sale system in the conventional manner. The proxy number is transmitted from the point of sale system to a card authorization system for authorization of a financial transaction. The card authorization system is able to differentiate a proxy number from a real account number. As such, the card authorization system processes the proxy number differently in that it searches a database on the proxy number to locate a corresponding account number. The account number is then used by the card authorization system to determine whether to approve or decline the financial transaction. The card authorization system further confirms that the financial transaction conforms to the limited use parameters. Based on all conditions being met, the card authorization system sends either an approval or decline message to the point of sale.

Armes further discloses associating limited use parameters with the proxy number. Such limited use parameters may include, for example, limited to a predetermined number of transactions, limited transaction amounts, and the like. While these limits provide some safeguards to help limit fraudulent use or unauthorized use by a relative or employee, it does little to ensure that the a proxy number is being used for its intended purpose. For example, a cardholder may obtain a proxy number for a specific use. However, he subsequently loses the proxy number without realizing it. Another individual locates the proxy number and uses it to make an unauthorized purchase that is within the use parameters that were associated with it. There is no way for the cardholder to realize that the proxy

number has been used until he receives and reviews his credit card statement. In other words, Armes does not include a means for alerting the cardholder at the time of an unauthorized transaction. As such, Armes does not disclose or contemplate the following unique combination of steps, as similarly disclosed by independent claim 1 and 19.

- receiving from at least one of: an RFID transponder and a smartcard a limited use Personal Identification Number (PIN) that is configured to facilitate a transaction associating the limited use PIN with said at least one primary account
- associating the limited use PIN with a notification response, wherein the notification response is associated with a notification response rule relating to who to notify if the limited use PIN is used
- associating the limited use PIN with an emergency response, wherein the emergency response is associated with an emergency response rule relating to an emergency entity to notify if the limited use PIN is used
  - acquiring, from a database, the notification response rules corresponding to the limited use PIN
  - issuing said the notification response in accordance with the notification response rule
  - acquiring, from the database, said emergency response rules corresponding to the limited use PIN
  - issuing the emergency response in accordance with the emergency response rule;
  - returning an approval code to the secondary party, if the conditions-of-use parameters associated with the limited use PIN are satisfied

Applicants assert that dependent claims 3-16, 22, 23, 25, 26, 28-30 and 32 variously depend from independent claims 1 and 19, so claims 3-16, 22, 23, 25, 26, 28-30 and 32 are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features.

Applicants submit that the application is now in condition for examination on the merits. Early notification of such action is earnestly solicited. Should the Examiner have any suggestions to place the application in even better condition for allowance, Applicants request that the Examiner contact the undersigned representative at the telephone number listed below. The Commissioner is authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account No. 19-2814.

Respectfully submitted,

Date: June 19, 2008

By: 

Howard I. Sobelman, Reg. No. 39,038

**SNELL & WILMER L.L.P.**  
One Arizona Center  
400 East Van Buren  
Phoenix, AZ 85004-2202  
Phone: (602) 382-6228  
Fax: (602) 382-6070  
Email: [hsobelman@swlaw.com](mailto:hsobelman@swlaw.com)